

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

VANITY COLE,

Plaintiff,

v.

SOLON POINTE AT EMERALD RIDGE LLC,

Defendant.

Case No.: 1:23-cv-00104

Judge: Bridget Meehan Brennan

**DEFENDANT'S ANSWER TO PLAINTIFF'S
COMPLAINT FOR DAMAGES AND REINSTATEMENT**

Defendant Solon Pointe at Emerald Ridge LLC ("Defendant") by and through its undersigned counsel, answers Plaintiff Vanity Cole's ("Plaintiff") Complaint For Damages and Reinstatement (the "Complaint") by stating and averring the following:

PARTIES

1. Upon information and belief, Defendant admits that Plaintiff resides within the City of Cleveland, County of Cuyahoga, State of Ohio.
2. Defendant denies the allegations contained in Paragraph 2 of the Complaint.
3. Defendant denies the allegations contained in Paragraph 3 of the Complaint.
4. Defendant denies the allegations contained in Paragraph 4 of the Complaint.
5. Defendant admits that Plaintiff was employed in Cuyahoga County, but denies the remaining allegations contained in paragraph Paragraph 5 of the Complaint.

JURISDICTION AND VENUE

6. Paragraph 6 of the Complaint contains a legal conclusion to which no response is required. To the extent that this Court deems a response appropriate, Defendant admits that this Court has jurisdiction over this matter.

7. Paragraph 7 of the Complaint contains a legal conclusion to which no response is required. To the extent that this Court deems a response appropriate, Defendant admits that this Court has jurisdiction over this matter.

8. Paragraph 8 of the Complaint contains a legal conclusion to which no response is required. To the extent that this Court deems a response appropriate, Defendant admits venue is proper with this Court.

9. Defendant denies the allegations contained in Paragraph 9 of the Complaint.

10. Defendant denies the allegations contained in Paragraph 10 of the Complaint.

11. Defendant denies the allegations contained in Paragraph 11 of the Complaint.

12. Defendant denies the allegations contained in Paragraph 12 of the Complaint.

13. Defendant denies the allegations contained in Paragraph 13 of the Complaint.

14. Defendant denies the allegations contained in Paragraph 14 of the Complaint.

FACTS

15. Defendant admits the allegations contained in Paragraph 15 of the Complaint.

16. Defendant denies the allegations contained in Paragraph 16 of the Complaint.

17. Defendant admits the allegations contained in Paragraph 17 of the Complaint.

18. Defendant admits the allegations contained in Paragraph 18 of the Complaint.

19. Defendant admits the allegations contained in Paragraph 19 of the Complaint.

20. Defendant denies the allegations contained in paragraph 20 of the Complaint.

21. Defendant denies the allegations contained in paragraph 21 of the Complaint.

22. Defendant denies the allegations contained in paragraph 22 of the Complaint.

23. Defendant denies the allegations contained in paragraph 23 of the Complaint.

24. Defendant denies the allegations contained in paragraph 24 of the Complaint.

25. Defendant denies the allegations contained in paragraph 25 of the Complaint.
26. Defendant denies the allegations contained in paragraph 26 of the Complaint.
27. Defendant denies the allegations contained in paragraph 27 of the Complaint.
28. Defendant denies the allegations contained in paragraph 28 of the Complaint.
29. Defendant denies the allegations contained in paragraph 29 of the Complaint.
30. Defendant denies the allegations contained in paragraph 30 of the Complaint.
31. Defendant denies the allegations contained in paragraph 31 of the Complaint.
32. Defendant denies the allegations contained in paragraph 32 of the Complaint.
33. Defendant denies the allegations contained in Paragraph 33 of the Complaint.
34. Defendant denies the allegations contained in paragraph 34 of the Complaint.
35. Defendant denies the allegations contained in Paragraph 35 of the Complaint.
36. Defendant denies the allegations contained in paragraph 36 of the Complaint.
37. Defendant denies the allegations contained in paragraph 37 of the Complaint.
38. Defendant denies the allegations contained in paragraph 38 of the Complaint.
39. Defendant denies the allegations contained in paragraph 39 of the Complaint.
40. Defendant denies the allegations contained in paragraph 40 of the Complaint.
41. Defendant denies the allegations contained in paragraph 41 of the Complaint.
42. Defendant denies the allegations contained in Paragraph 42 of the Complaint.
43. Defendant denies the allegations contained in Paragraph 43 of the Complaint.
44. Defendant denies the allegations contained in paragraph 44 of the Complaint.
45. Defendant denies the allegations contained in paragraph 45 of the Complaint.
46. Defendant denies the allegations contained in paragraph 46 of the Complaint.
47. Defendant denies the allegations contained in Paragraph 47 of the Complaint.

48. Defendant denies the allegations contained in Paragraph 48 of the Complaint.
49. Defendant denies the allegations contained in Paragraph 49 of the Complaint.
50. Defendant denies the allegations contained in Paragraph 50 of the Complaint.
51. Defendant denies the allegations contained in Paragraph 51 of the Complaint.
52. Defendant denies the allegations contained in Paragraph 52 of the Complaint.
53. Defendant denies the allegations contained in Paragraph 53 of the Complaint.
54. Defendant denies the allegations contained in Paragraph 54 of the Complaint.
55. Defendant denies the allegations contained in Paragraph 55 of the Complaint.
56. Defendant denies the allegations contained in Paragraph 56 of the Complaint.
57. Defendant denies the allegations contained in Paragraph 57 of the Complaint.
58. Defendant denies the allegations contained in Paragraph 58 of the Complaint.
59. Defendant denies the allegations contained in Paragraph 59 of the Complaint.
60. Defendant denies the allegations contained in Paragraph 60 of the Complaint.
61. Defendant denies the allegations contained in Paragraph 61 of the Complaint.
62. Defendant denies the allegations contained in Paragraph 62 of the Complaint.
63. Defendant denies the allegations contained in Paragraph 63 of the Complaint.
64. Defendant denies the allegations contained in Paragraph 64 of the Complaint.
65. Defendant denies the allegations contained in Paragraph 65 of the Complaint.
66. Defendant denies the allegations contained in Paragraph 66 of the Complaint.
67. Defendant denies the allegations contained in Paragraph 67 of the Complaint.
68. Defendant denies the allegations contained in Paragraph 68 of the Complaint.
69. Defendant denies the allegations contained in Paragraph 69 of the Complaint.
70. Defendant denies the allegations contained in Paragraph 70 of the Complaint.

71. Defendant denies the allegations contained in Paragraph 71 of the Complaint.
72. Defendant denies the allegations contained in Paragraph 72 of the Complaint.
73. Defendant denies the allegations contained in Paragraph 73 of the Complaint.
74. Defendant denies the allegations contained in Paragraph 74 of the Complaint.
75. Defendant denies the allegations contained in Paragraph 75 of the Complaint.
76. Defendant denies the allegations contained in Paragraph 76 of the Complaint.
77. Defendant denies the allegations contained in Paragraph 77 of the Complaint.
78. Defendant denies the allegations contained in Paragraph 78 of the Complaint.
79. Defendant denies the allegations contained in Paragraph 79 of the Complaint.
80. Defendant denies the allegations contained in Paragraph 80 of the Complaint.
81. Defendant denies the allegations contained in Paragraph 81 of the Complaint.
82. Defendant denies the allegations contained in Paragraph 82 of the Complaint.
83. Defendant denies the allegations contained in Paragraph 83 of the Complaint.
84. Defendant denies the allegations contained in Paragraph 84 of the Complaint.
85. Defendant denies the allegations contained in Paragraph 85 of the Complaint.
86. Defendant denies the allegations contained in Paragraph 86 of the Complaint.
87. Defendant denies the allegations contained in Paragraph 87 of the Complaint.
88. Defendant denies the allegations contained in Paragraph 88 of the Complaint.
89. Defendant denies the allegations contained in Paragraph 89 of the Complaint.
90. Defendant denies the allegations contained in Paragraph 90 of the Complaint.
91. Defendant denies the allegations contained in Paragraph 91 of the Complaint.
92. Defendant denies the allegations contained in Paragraph 92 of the Complaint.
93. Defendant denies the allegations contained in Paragraph 93 of the Complaint.

94. Defendant denies the allegations contained in Paragraph 94 of the Complaint.
95. Defendant denies the allegations contained in Paragraph 95 of the Complaint.
96. Defendant denies the allegations contained in Paragraph 96 of the Complaint.
97. Defendant denies the allegations contained in Paragraph 97 of the Complaint.
98. Defendant denies the allegations contained in Paragraph 98 of the Complaint.
99. Defendant denies the allegations contained in Paragraph 99 of the Complaint.
100. Defendant denies the allegations contained in Paragraph 100 of the Complaint.
101. Defendant denies the allegations contained in Paragraph 101 of the Complaint.
102. Defendant denies the allegations contained in Paragraph 102 of the Complaint.
103. Defendant denies the allegations contained in Paragraph 103 of the Complaint.
104. Defendant denies the allegations contained in Paragraph 104 of the Complaint.
105. Defendant denies the allegations contained in Paragraph 105 of the Complaint.
106. Defendant denies the allegations contained in Paragraph 106 of the Complaint.
107. Defendant denies the allegations contained in Paragraph 107 of the Complaint.
108. Defendant denies the allegations contained in Paragraph 108 of the Complaint.
109. Defendant denies the allegations contained in Paragraph 109 of the Complaint.
110. Defendant denies the allegations contained in Paragraph 110 of the Complaint.
111. Defendant denies the allegations contained in Paragraph 111 of the Complaint.
112. Defendant denies the allegations contained in Paragraph 112 of the Complaint.
113. Defendant denies the allegations contained in Paragraph 113 of the Complaint.
114. Defendant denies the allegations contained in Paragraph 114 of the Complaint.
115. Defendant denies the allegations contained in Paragraph 115 of the Complaint.
116. Defendant denies the allegations contained in Paragraph 116 of the Complaint.

- 117. Defendant denies the allegations contained in Paragraph 117 of the Complaint.
- 118. Defendant denies the allegations contained in Paragraph 118 of the Complaint.
- 119. Defendant denies the allegations contained in Paragraph 119 of the Complaint.
- 120. Defendant denies the allegations contained in Paragraph 120 of the Complaint.
- 121. Defendant denies the allegations contained in Paragraph 121 of the Complaint.
- 122. Defendant denies the allegations contained in Paragraph 122 of the Complaint.
- 123. Defendant denies the allegations contained in Paragraph 123 of the Complaint.
- 124. Defendant denies the allegations contained in Paragraph 124 of the Complaint.
- 125. Defendant denies the allegations contained in Paragraph 125 of the Complaint.
- 126. Defendant denies the allegations contained in Paragraph 126 of the Complaint.
- 127. Defendant denies the allegations contained in Paragraph 127 of the Complaint.
- 128. Defendant denies the allegations contained in Paragraph 128 of the Complaint.
- 129. Defendant denies the allegations contained in Paragraph 129 of the Complaint.
- 130. Defendant denies the allegations contained in Paragraph 130 of the Complaint.

COUNT I

131. Defendant incorporates its responses to Paragraphs 1 through 130 of the Complaint as if fully restated herein.

- 132. Defendant denies the allegations contained in Paragraph 132 of the Complaint.
- 133. Defendant denies the allegations contained in Paragraph 133 of the Complaint.
- 134. Defendant denies the allegations contained in Paragraph 134 of the Complaint.
- 135. Defendant denies the allegations contained in Paragraph 135 of the Complaint.
- 136. Defendant denies the allegations contained in Paragraph 136 of the Complaint.
- 137. Defendant denies the allegations contained in Paragraph 137 of the Complaint.

138. Defendant denies the allegations contained in Paragraph 138 of the Complaint.

139. Defendant denies the allegations contained in Paragraph 139 of the Complaint.

140. Defendant denies the allegations contained in Paragraph 140 of the Complaint.

141. Defendant denies the allegations contained in Paragraph 141 of the Complaint.

142. Defendant denies the allegations contained in Paragraph 142 of the Complaint.

143. Defendant denies the allegations contained in Paragraph 143 of the Complaint.

144. Defendant denies the allegations contained in Paragraph 144 of the Complaint.

145. Defendant denies the allegations contained in Paragraph 145 of the Complaint.

146. Defendant denies the allegations contained in Paragraph 146 of the Complaint.

147. Defendant denies the allegations contained in Paragraph 147 of the Complaint.

148. Defendant denies the allegations contained in Paragraph 148 of the Complaint.

149. Defendant denies the allegations contained in Paragraph 149 of the Complaint.

150. Defendant denies the allegations contained in Paragraph 150 of the Complaint.

151. Defendant denies the allegations contained in Paragraph 151 of the Complaint.

152. Defendant denies the allegations contained in Paragraph 152 of the Complaint.

153. Defendant denies the allegations contained in Paragraph 153 of the Complaint.

COUNT II

154. Defendant incorporates its responses to Paragraphs 1 through 153 of the Complaint as if fully restated herein.

155. Defendant denies the allegations contained in Paragraph 155 of the Complaint.

156. Defendant denies the allegations contained in Paragraph 156 of the Complaint.

157. Defendant denies the allegations contained in Paragraph 157 of the Complaint.

158. Defendant denies the allegations contained in Paragraph 158 of the Complaint.

159. Defendant denies the allegations contained in Paragraph 159 of the Complaint.

160. Defendant denies the allegations contained in Paragraph 160 of the Complaint.

161. Defendant denies the allegations contained in Paragraph 161 of the Complaint.

162. Defendant denies the allegations contained in Paragraph 162 of the Complaint.

163. Defendant denies the allegations contained in Paragraph 163 of the Complaint.

164. Defendant denies the allegations contained in Paragraph 164 of the Complaint.

165. Defendant denies the allegations contained in Paragraph 165 of the Complaint.

166. Defendant denies the allegations contained in Paragraph 166 of the Complaint.

167. Defendant denies the allegations contained in Paragraph 167 of the Complaint.

168. Defendant denies the allegations contained in Paragraph 168 of the Complaint.

169. Defendant denies the allegations contained in Paragraph 169 of the Complaint.

170. Defendant denies the allegations contained in Paragraph 170 of the Complaint.

171. Defendant denies the allegations contained in Paragraph 171 of the Complaint.

172. Defendant denies the allegations contained in Paragraph 172 of the Complaint.

173. Defendant denies the allegations contained in Paragraph 173 of the Complaint.

174. Defendant denies the allegations contained in Paragraph 174 of the Complaint.

175. Defendant denies the allegations contained in Paragraph 175 of the Complaint.

176. Defendant denies the allegations contained in Paragraph 176 of the Complaint.

COUNT III

177. Defendant incorporates its responses to Paragraphs 1 through 177 of the Complaint as if fully restated herein.

178. Defendant denies the allegations contained in Paragraph 178 of the Complaint.

179. Defendant denies the allegations contained in Paragraph 179 of the Complaint.

180. Defendant denies the allegations contained in Paragraph 180 of the Complaint.

181. Defendant denies the allegations contained in Paragraph 181 of the Complaint.

182. Defendant denies the allegations contained in Paragraph 182 of the Complaint.

183. Defendant denies the allegations contained in Paragraph 183 of the Complaint.

184. Defendant denies the allegations contained in Paragraph 184 of the Complaint.

185. Defendant denies the allegations contained in Paragraph 185 of the Complaint.

186. Defendant denies the allegations contained in Paragraph 186 of the Complaint.

187. Defendant denies the allegations contained in Paragraph 187 of the Complaint.

188. Defendant denies the allegations contained in Paragraph 188 of the Complaint.

189. Defendant denies the allegations contained in Paragraph 189 of the Complaint.

COUNT IV

190. Defendant incorporates its responses to Paragraphs 1 through 189 of the Complaint as if fully restated herein.

191. Defendant denies the allegations contained in Paragraph 191 of the Complaint.

192. Defendant denies the allegations contained in Paragraph 192 of the Complaint.

193. Defendant denies the allegations contained in Paragraph 193 of the Complaint.

194. Defendant denies the allegations contained in Paragraph 194 of the Complaint.

195. Defendant denies the allegations contained in Paragraph 195 of the Complaint.

196. Defendant denies the allegations contained in Paragraph 196 of the Complaint.

197. Defendant denies the allegations contained in Paragraph 197 of the Complaint.

198. Defendant denies the allegations contained in Paragraph 198 of the Complaint.

199. Defendant denies the allegations contained in Paragraph 199 of the Complaint.

200. Defendant denies the allegations contained in Paragraph 200 of the Complaint.

201. Defendant denies the allegations contained in Paragraph 201 of the Complaint.

202. Defendant denies the allegations contained in Paragraph 202 of the Complaint.

COUNT V

203. Defendant incorporates its responses to Paragraphs 1 through 202 of the Complaint as if fully restated herein.

204. Defendant denies the allegations contained in Paragraph 204 of the Complaint.

205. Defendant denies the allegations contained in Paragraph 205 of the Complaint.

206. Defendant denies the allegations contained in Paragraph 206 of the Complaint.

207. Defendant denies the allegations contained in Paragraph 207 of the Complaint.

208. Defendant denies the allegations contained in Paragraph 208 of the Complaint.

209. Defendant denies the allegations contained in Paragraph 209 of the Complaint.

210. Defendant denies the allegations contained in Paragraph 210 of the Complaint.

211. Defendant denies the allegations contained in Paragraph 211 of the Complaint.

212. Defendant denies the allegations contained in Paragraph 212 of the Complaint.

213. Defendant denies the allegations contained in Paragraph 213 of the Complaint.

COUNT VI

214. Defendant incorporates its responses to Paragraphs 1 through 213 of the Complaint as if fully restated herein.

215. Defendant denies the allegations contained in Paragraph 215 of the Complaint.

216. Defendant denies the allegations contained in Paragraph 216 of the Complaint.

217. Defendant denies the allegations contained in Paragraph 217 of the Complaint.

218. Defendant denies the allegations contained in Paragraph 218 of the Complaint.

219. Defendant denies the allegations contained in Paragraph 219 of the Complaint.

220. Defendant denies the allegations contained in Paragraph 220 of the Complaint.

221. Defendant denies the allegations contained in Paragraph 221 of the Complaint.

222. Defendant denies the allegations contained in the WHEREFORE paragraph, and subsections (a) through (f) thereunder, immediately following Paragraph 221 of the Complaint.

223. Defendant denies each and every allegation of the Complaint not specifically admitted herein to be true.

AFFIRMATIVE DEFENSES

Defendant asserts the following affirmative defenses in response to Plaintiff's Complaint. By pleading these affirmative defenses, Defendant does not assume the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Plaintiff. In addition, nothing stated herein is intended or shall be construed as a concession that any particular issue or subject matter is relevant to Plaintiff's allegations.

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
2. Plaintiff's Complaint is barred by the doctrines of laches, waiver, estoppel, ratification, acquiescence, accord and satisfaction, and/or unclean hands.
3. Plaintiff's Complaint is untimely and is barred by the applicable limitations and/or statute of limitations period.
4. Plaintiff failed to exhaust her administrative remedies.
5. Plaintiff has named the wrong entity as a defendant.
6. Defendant is no longer in operation.
7. Plaintiff is estopped by her own acts or omissions from bringing some or all of the claims in the Complaint.

8. Plaintiff has not sustained any damages proximately caused or actually caused by Defendant.

9. Plaintiff's claims are barred, in whole or in part, because she failed to mitigate her damages and/or alleged injuries.

10. Based on after-acquired evidence, Plaintiff's claims against Defendant and/or the relief sought by Plaintiff against Defendant are barred by the doctrine of after-acquired evidence.

11. Plaintiff was not qualified for her position.

12. Plaintiff's claims are barred because all of the decisions and actions toward Plaintiff were taken in good faith and for legitimate, non-retaliatory, non-discriminatory reasons unrelated to Plaintiff's disability or alleged protected activity.

13. Plaintiff's claims are barred on the grounds that Plaintiff failed to provide notice to Defendant of any discrimination or retaliation, if any, and/or failed to pursue internal procedures to remedy any such complaints or problems, and had Plaintiff utilized these procedures some or all of the harm allegedly suffered would have been prevented.

14. To the extent that Plaintiff complained about any alleged unlawful discriminatory conduct, Defendant took prompt remedial measures reasonably calculated to end any alleged unlawful discrimination.

15. Plaintiff cannot prove severe or pervasive harassment.

16. Some or all of Plaintiff's claims lack legal and factual support to be asserted and are brought in bad faith.

17. Plaintiff's claims fail because Defendant acted in good faith at all times.

18. Some or all of Plaintiff's claims are limited and/or barred by Ohio's Tort Reform Act.

19. Some or all of Plaintiff's claims are barred by the Ohio Workers' Compensation Act.

20. Plaintiff has not and is not suffering from emotional distress.

21. To the extent that Plaintiff claims punitive damages in her Complaint – which Defendant denies – the claim is barred because the alleged acts or omissions of Defendant: (1) do not rise to the level required to sustain an award of punitive damages; (2) do not evidence malicious, reckless, or fraudulent intent to deny Plaintiff her protected rights; (3) are not so wanton or willful as to support an award of punitive damages; and (4) do not otherwise entitle Plaintiff to punitive damages.

22. One or more of Plaintiff's claims fail as a matter of law because Plaintiff unreasonably failed to take advantage of Defendant's complaint procedures.

23. One or more of Plaintiff's claims fail as a matter of law because Plaintiff failed to engage in any protected activity.

24. To the extent that Plaintiff claims punitive damages in her Complaint – which Defendant denies – the claim is barred because any allegedly discriminatory behavior is contrary to Defendant's good faith efforts to comply with all applicable state and federal laws.

25. To the extent that Plaintiff claims punitive damages in her Complaint – which Defendant denies – the claim is barred and any award of such damages would violate Defendant's rights under the federal and state constitutions.

26. To the extent Plaintiff suffered any symptoms of emotional distress or injury, they were the result of a pre-existing psychological disorder or other causes or factors, and not the result of any act or omission of Defendant.

27. Plaintiff was treated the same as all other employees, regardless of her alleged protected activity.

28. Some or all of Plaintiff's claim fail as a matter of law because Plaintiff failed to satisfy statutory or common law prerequisites prior to filing her Complaint.

29. Any and all damage or injury complained of was proximately caused by intervening and superseding acts of persons or entities other than these answering Defendant.

30. Plaintiff cannot meet the but for standard of retaliation.

31. Plaintiff cannot meet the but for standard for discrimination claims.

32. Plaintiff cannot prove pretext.

33. Plaintiff knowingly violated Defendant's policies.

34. Plaintiff was a probationary employee.

35. Defendant reserves the right to assert additional affirmative defenses at such time and to such extent as is warranted by discovery and developments in this case.

WHEREFORE, Defendant respectfully request that the claims against it raised in the Complaint be dismissed in their entirety with prejudice, that judgment be entered in its favor, and that it recovers its costs and expenses, including reasonable attorneys' fees, and such other and further relief to which this Court deems just and appropriate.

Respectfully submitted,

/s/ David A. Campbell

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February, 2023, the foregoing was filed through the Court's CM/ECF electronic filing system and will be served upon all counsel of record.

/s/ David A. Campbell
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